

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

DAVID B. WELLIVER,

Debtor(s).

**SECOND AMENDED ORDER FOR
SCHEDULING CONFERENCE**

Elaine L. Chao, Secretary of Labor,
United States Department of Labor,

BKY NO. 98-34454

Plaintiff(s),

ADV NO. 04-3274

vs.

David B. Welliver,

Defendant(s).

IT IS ORDERED:

1. **DATE:** A scheduling conference shall be held in Courtroom 228A, United States Courthouse, 316 North Robert Street, St. Paul, Minnesota on **October 6, 2004 at 11:15 a.m.**

2. **AGENDA:** The attorneys who plan to try the case shall be present and shall be prepared to discuss:

- a. The major issues in the case.
- b. The types of discovery necessary and the time necessary for discovery.
- c. Possible stipulations as to factual and legal issues.
- d. Possible settlement.

3. **PREPARATION:** The attorneys shall discuss settlement possibilities prior to the scheduling conference.

4. Upon settlement, each party has an independent obligation and shall notify the calendar clerk, within 24 hours after a settlement agreement has been reached. Unless the Court orders otherwise, the settlement documents shall be filed within ten (10) days after oral notice of the settlement.

5. The parties must appear personally or through their attorneys. Failure to appear may result in the imposition of sanctions under Bankruptcy Rule 7016 and Fed. R. Civ. P. 16(f).

6. Fed. R. Civ.P. 26(a)(1), (a)(2), (a)(3) and (f) do not apply in this proceeding.

Dated: September 7, 2004

/s/ Dennis D. O'Brien
Dennis D. O'Brien
United States Bankruptcy Judge

PLEASE NOTE: The Court does not generally continue scheduling conferences, however, counsel for the parties may request telephonic appearances by contacting the calendar clerk for instructions upon receipt of this order.

NOTICE OF ELECTRONIC ENTRY AND
FILING ORDER OR JUDGMENT
Filed and Docket Entry made on 9/7/04
Lori Vosejpka, Acting Clerk By NAB

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

ADV 04-3274

I, Nancy A. Brill, hereby certify:

That I am the Calendar Clerk for Judge Dennis D. O'Brien, of the United States Bankruptcy Court for the Third Division of the District of Minnesota at St. Paul, and that on September 7, 2004 true and correct copies of the annexed:

ORDER FOR SCHEDULING CONFERENCE

were placed by me in individual official envelopes; that said envelopes were addressed individually to each of the person(s), corporations, and firms at their last known addresses, were sealed and on the day aforesaid were placed in the United States mails at St. Paul, Minnesota, to:

REUBEN R CHAPA
US DEPT OF LABOR
230 S DEARBORN ST RM 844
CHICAGO IL 60604

ELAINE L CHAO
US DEPT OF LABOR
230 S DEARBORN ST RM 844
CHICAGO IL 60604

DAVID B WELLIVER
PO BOX 65247
ST PAUL MN 55165

and this certificate was made by me.

/e/ Nancy A. Brill
Deputy Clerk